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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,752	10/30/2003	Michael P. Belyansky	FIS920030190 (00750482AA)	6187
30743	7590	05/18/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			WOJCIECHOWICZ, EDWARD JOSEPH	
			ART UNIT	PAPER NUMBER
			2815	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/695,752	BELYANSKY ET AL.
	Examiner Edward Wojciechowicz	Art Unit 2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) 8-12 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____

DETAILED ACTION***Election/Restrictions***

Applicant's election without traverse of the restriction requirement in the reply filed on 8-30-04 is acknowledged. Applicant is correct that the restriction requirement contained a typographical error that rendered part of the justification for the restriction unclear.

The correct justification for the restriction should have read that in the instant case the device of group I can be made by forming the alloy prior to depositing it on the gate.

This application contains claims 13-20 drawn to an invention nonelected without traverse in Paper No. 8-30-04. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumagai et al, of record, for the reasons given in the previous action, hereby incorporated by reference. Applicants' remarks have been carefully considered, however, the rejection is maintained. Kumagai describes many different embodiments and techniques for achieving stress in the semiconductor device. One of these methods is to form a silicide on the source/drain and gate electrode with the result that particular stresses are introduced into the channel of the field effect device. Applicants' argument that Kumagai does not even recognize that stresses can be developed in gate structures by the formation of silicides is not supported by the full Kumagai disclosure. In fact, Kumagai even produces a graph measuring the amount of stress that can be produced as a function of the thickness of the silicides formed. While Kumagai may not specifically describe this effect with respect to the gate electrode of a particular device, nevertheless, since Kumagai also forms a silicide layer on the gate electrode, as shown in Fig. 1, he would certainly be

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aware of the effect that this silicide has. That is because the stress inducing properties of the silicide alloy would appear to be inherent whenever such a silicide alloy is formed.

Furthermore, Kumagai also recognizes that such stresses can be induced from the gate electrode. For example, as discussed in [0228] and [0229] Kumagai teaches that a high temperature thermal treatment of a metal such as ruthenium with an underlying layer of polysilicon on the gate will produce a specific stress in the underlying channel region. It appears that the high temperature thermal treatment Kumagai is describing would inherently result in the formation of a ruthenium silicide alloy.

Furthermore, Kumagai recognizes that such thermal treatment, or the absence thereof, can be used to tailor the stress between different devices. As such, Kumagai clearly does recognize that stress can be developed in gate structures by the use of metals to form silicides and that these stresses can be transferred from the gate structure to the transistor channel, as claimed.

Allowable Subject Matter

Claims 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Wojciechowicz whose telephone number is 571-272-1739. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edward Wojciechowicz
Primary Examiner
Art Unit 2815

EW: ew